

Joseph Adkins, AICP
Deputy Director

Michael C. O'Connor
Mayor



FREDERICK PLANNING

October 2, 2023

Taft Family Ventures
C/o Sana Sabree, Administrative Assistant
631 Dickenson Avenue
Greenville, NC 27834
ssabree@tfonc.com | 252-751-3241

Re: 23-1042ZD for 37-39 N. Market Street, Property Tax ID 110279550

Dear Ms. Sabree:

Staff has determined that **the restaurant/market and residential uses within the building at 37-39 N. Market Street are permitted by right in the Downtown Commercial/Residential (DB) Zoning District**. The following supporting information is provided for your use.

Zoning compliance. The property is within Downtown Commercial/Residential (DB) Zoning District. According to [Table 401-1](#) of the LMC, the purpose of the DB Zone is to encourage the development of the Center City's commercial areas. According to [Table 404-1 Use Matrix](#), the restaurant/market that is underway on the first and second floors and the residential unit on the third floor are uses that are allowed by right in the DB Zone.

Note: The property at 37-39 N Market Street is within the Frederick Historic Preservation Overlay (HPO), being part of Lot 63 of the original 1782 plat for Frederick Town; and additional regulations and processes do apply to properties within the Historic District. The HPO guidelines are on the City's website at [Historic-Preservation-Guidelines \(cityoffrederickmd.gov\)](https://www.cityoffrederickmd.gov/historic-preservation-guidelines).

Recent and ongoing renovations. In 2021 several permits were approved for a renovation of the first and second floors to convert the space from a bank (first floor) and tech office (second floor) to a two-story restaurant/market business entitled "Serendipity Market." That work is ongoing. In 2021 permits were also approved for renovation of third floor of the structure, converting the space into one 3-BR 2-bath unit. Because some exterior work was proposed, the Historic Preservation Commission approval was required. HPO approval was issued on April 5, 2021 (HPO21-405). The residential renovation of the third floor has been completed and a certificate of occupancy was issued on December 1, 2022.

Right to Rebuild if Destroyed. The property was developed circa 1866, prior to the adoption of the current zoning code, and it is considered legally non-conforming with respect to the current ordinance. The structure may be rebuilt in the current form with no loss of square footage and with the same footprint, in accordance with [Article 9](#) of the LMC, especially Sec. 902(b) Nonconforming Structures: “Any building within the DR, DBO, or DB districts that is destroyed, damaged, or deteriorated may be reconstructed and restored in kind to its original appearance and site location. The Historic Preservation Commission shall confirm in kind reconstruction or restoration of structures within the HPO.”

No unresolved violations. There are no unresolved zoning code violations or building code violations on file for the property as of the date of this letter.

Attachments. The Zoning Map and the Historic Plat are attached.

Please contact me at 301-600-3187 or ssuarez@cityoffrederick.gov if you have questions or concerns.

The purpose of the service provided by the Zoning Administrator regarding determinations and/or interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plans and the Land Management Code for compliance.

This determination applies solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision with thirty days to the Zoning Board of Appeals.

Sincerely,



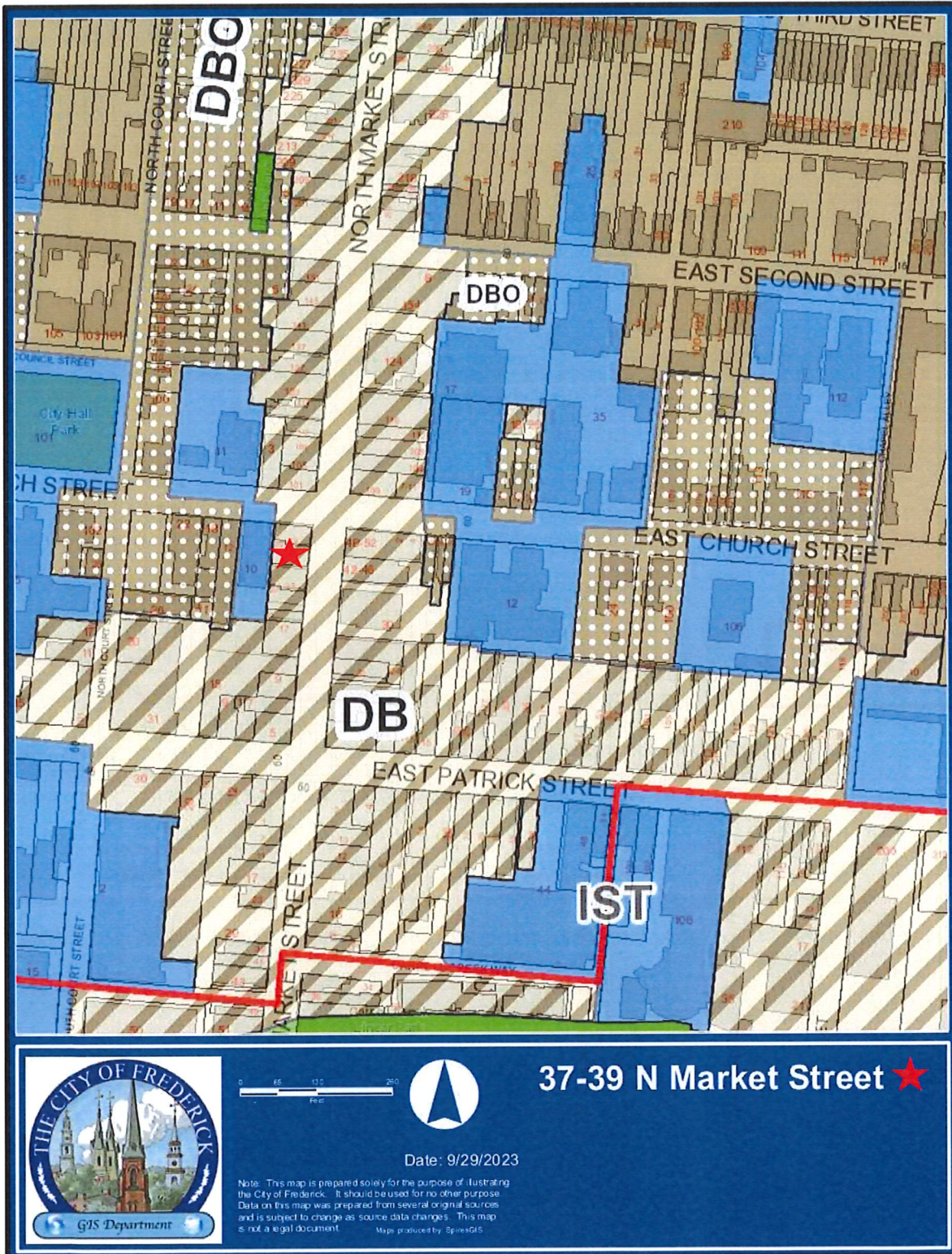
Sharon K. Suarez, MPA, AICP
Planner II

In Concurrence,



Joseph A. Adkins, AICP
Zoning Administrator/Deputy Director of Planning

Attachment - Zoning Map



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631 Dickinson Avenue
PO Box 566 (27835)
Greenville, NC 27834
(O) 252-752-7101
(F) 252-758-1002

September 25th, 2023

RE: Taft Lofts Zoning Compliance Request

To whom it may concern,

The purpose of this letter is to formally request zoning compliance letters for the listed properties below. Please let me know if you have any questions or need any additional information. The letter can be addressed to Waterford-Frederick 1031, LLC and when completed can be sent to ssabree@tfonc.com. The Citizen portal name is Sana Sabree, ssabree@tfonc.com.

- 100 - 102 East Patrick St – 0099B
- 116 - 118 East Patrick St – 0102B
- 11 - 13 East Patrick St – 0147B
- 24 - 26 East Patrick St – 0090B
- 10 S Market St – 0629A
- 17 - 19 N Market St - 0685
- 37 - 39 N Market St - 0681
- 213 - 215 N Market St - 0665

Thank you,

Sana Sabree
Administrative Assistant
Taft Family Ventures
ssabree@tfonc.com
252-751-3241